

REMARKS

In accordance with the foregoing, claims 1, 4, 16, 20, 22, 25, 27, and 29 have been amended. Claims 2-3 and 26 have been cancelled without prejudice or disclaimer. Claim 32 has been added. No new matter is being presented. Therefore, claims 1, 4-25 and 27-32 are pending and reconsideration is respectfully requested.

DOUBLE PATENTING

Claims 1-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 11/429,968. Claims 1-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30, 32 of copending Application No. 10/769,986. Claims 1-31 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30, 32 of copending Application No. 10/769,987. However, since a terminal disclaimer is being filed concurrently herewith to overcome the double patenting rejections, applicants respectfully assert that these rejections are overcome.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-13, 15-24, and 31 are rejected under 35 U.S.C. §102(e) as being anticipated by Kondo et al. (U.S. Patent 6,930,977). Claim 25 is rejected under 35 U.S.C. §102(e) as being anticipated by Kondo (U.S. Patent Application 2003/0053404). These rejections are traversed.

Regarding the rejection of claim 1, it is noted that claim 1 recites a read-only optical information storage medium comprising a plurality of areas in which data is recorded in the form of pits. In particular, the pits, in at least one of the plurality of areas, are of a different pit pattern than pits formed in others of the plurality of areas.

In contrast, the reference to Kondo, which is directed to a disk from which a main recording signal and an address signal can each be reproduced from without interfering with the reproduction of the other signal, only discloses, "a pit array carrying a lead-in signal and another pit array utilized for preventing an optical disk from dump copying and faking." There is no implicit or explicit disclosure, however, that the pit arrays are home to pits that are recorded in differing patterns. In fact, the entire disclosure of the reference contains only one pit pattern

shown in FIGS. 3 and 21.

Nevertheless, at pages 4-5 of the Office Action, the Examiner suggests that the disclosed arrays (the Examiner uses the term "areas") correspond to the claimed areas in which the pits are formed in differing patterns, and, in so doing, read on the claimed areas. Since a further explanation for this position was not provided, Applicants must assume that the Examiner's position relies on one of two possible conclusions. The first alternative conclusion must have been that the two pit arrays, disclosed by Kondo, read on the claimed first and second pit patterns. The second alternative conclusion must have been that, since the two pit arrays have different functions, the respective pit patterns within each array are necessarily different. Applicants assert that both conclusions are improper and that the Examiner's analysis is also improper as a result.

As to the first conclusion, the applicants assert that the number of pit arrays on the optical disk disclosed by Kondo has no bearing on the number of disclosed pit patterns since a particular pit array is not required to have a unique pit pattern recorded therein. In other words, various pit arrays can and do have substantially similar pit patterns. This is borne out by the fact that, as noted above, **Kondo only discloses a single type of pit pattern, see FIGS. 3 and 21 of the reference**, with the data imparted by the shown pits requiring differing pit and space lengths within the same pattern. As to the second conclusion, applicants respectfully assert that there is no disclosure in Kondo that suggests that, since the functions of various pit arrays are different, the pit patterns in those arrays must also be different.

Thus, applicants respectfully assert that claim 1 is patentably distinguished from the reference to Kondo and that, therefore, the rejection is traversed.

Regarding the rejection of claims 25 and 31, it is noted that claims 25 and 31 are allowable for substantially similar reasons as set forth above.

Regarding the rejections of claims 2-13 and 15-24, it is noted that these claims depend from claim 1 and are, therefore, allowable for at least the reasons set forth above.

In particular, regarding the rejections of claims 2 and 3, it is noted that the subject matter of these claims has been incorporated into claims 1 and 25 and is believed to more obviously distinguish claims 1 and 25 from the reference to Kondo. This is due to the fact that Kondo fails to disclose that a pattern of pits formed in an area corresponding to the claimed burst cutting area is different from a pattern of pits formed in at least one of areas corresponding to the claimed lead-in area, user data area, and lead-out area.

REJECTIONS UNDER 35 U.S.C. §103:

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo (U.S. Patent 6,930,977) as applied to claims 1-13 above, and further in view of Nagaswara et al (U.S. Patent 6,069,869). Claims 26-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo (U.S. Patent Application 2003/0053404) as applied to claim 25 above, and further in view of Figure 1 (Application Disclosure). However, since the secondarily cited references each fail to cure the defects of Kondo, as described above, it is noted that these rejections are traversed for at least the reasons noted above.

ADDED CLAIM 32:

Claim 32 has been added and is believed to be allowable for similar reasons as set forth above due to the recitation of a read-only optical information storage medium having a burst cutting area, a lead-in area, a user data area, and a lead-out area, each of which is divisible into a plurality of areas, one of the areas of the burst cutting area having data recorded thereon in a first pit pattern and one of the areas of the lead-in area, the user data area, and the lead-out area having data recorded thereon in a second pit pattern.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: _____

1/9/07

By: _____



Howard I. Levy
Registration No. 55,378

1400 Eye Street, NW
Suite 300
Washington, DC 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510